

upon any land, which was considered as nothing more than a general authority to acquire a title to so much vacant land any where within the state. Such a common warrant, not being the commencement of a title to any land in particular, was always considered as mere personalty, as a sort of *chose in action*, which, on the death of the holder, was held to be assets in the hands of his executor or administrator. And these principles of law seem to have been affirmed by legislative enactments since that time. (y)

There is a singular instance to be met with among the records of the Land Office, in which lands were made liable for the satisfaction of the debts of its deceased owner. Instead of an extent, or an absolute sale of a part, as in England, in acceleration of payment; an inquest was ordered to ascertain the annual value of the whole, and what number of years at that value, would be equal to the whole amount of the debts due; and then a lease was sold, clear of dower and all other incumbrances to a bidder for the shortest term not exceeding the time so ascertained. (z)

There appears to have been several private acts passed at an early period of the provincial government, authorizing the sale of the lands of deceased debtors for the payment of their debts; (a) but it does not seem to have been a common practice; nor to have been an occasional mode of interposing to remove an evil or supply a defect in the general law.

In the year 1732, at the instance and solicitation of merchants, resident in Great Britain, trading to this country, the British Parliament passed an act making lands in all the colonies liable to be taken in execution and sold for the satisfaction of debts. Whatever were the motives for passing this statute, it is certain, that it was most manifestly just in itself; and was such a one as fully met the approbation of the people of Maryland. (b) It at once

(y) 1798, ch. 101, sub ch. 14, s. 3.—(z) Land Hol. Assis. 218; *Harvey v. Harvey*, 3 Rep. Chan. 87.—(a) 1704, ch. 13; 1720, ch. 28; 1727, ch. 20.

(b) 'The British merchants,' says Governor Pownal, 'at times applied to Parliament on the affairs of the colonies. Hence we find enacted the navigation act, &c. Also acts: 1. Altering the nature of their estates, by treating real estates as chattels; 2. Restraining them from manufactures; 3. Regulating their money; 4. Altering the nature of evidence in the courts of common law, by making an affidavit of a debt before the Lord Mayor of London, &c. certified in writing an evidence in their courts in America; 5. Dissolving indentures, by discharging such of their servants as should enlist in the king's service.'—*Pown. Admin. Colonies*, 126—4th edition, published in 1768.

This, to us, most important statute, having a very limited operation upon the interests of the people of England, is so rarely noticed in any of the English law